

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

-----X Multidistrict Litigation  
IN RE: ASBESTOS PRODUCTS LIABILITY LITIGATION ("MDL") 875  
(NO. VI)  
-----X

*These papers relate to:*

2:11-cv-67704 (ECR)

LAWRENCE PAYNE,

Plaintiff,  
-against-

FOSTER WHEELER ENERGY CORPORATION, *et al.*,

Kindly refer to:  
The Hon. Eduardo C. Robreno

Defendants.  
-----X

**PLAINTIFF'S STATUS AND DISCOVERY UPDATE**

*(1) Each defendant with whom plaintiff has achieved resolution of his or her claim:*

Response: none

*(2) Each defendant that plaintiff now desires to dismiss from the action:*

Response: none

*(3) Each viable defendant that is still active in the case:*

Response: all defendants named in the caption of the Complaint are believed to be viable and not in bankruptcy

*(4) Status of compliance with Administrative Order No. 12, as amended:*

Plaintiff hereby complies by attaching the required information. Plaintiff notes that this case was removed and then transferred to this Honorable Court from the Circuit Court of the Third Judicial District of Madison County, Illinois, before service was completed upon all defendants, before most defendants filed answers to the Complaint and before any discovery was propounded. Plaintiff further notes that a motion seeking remand was filed on October 25, 2011 and remains pending before this Court.

*(5) Any outstanding discovery:*

Response: no discovery has been propounded

*(6) Any discovery that is still needed and a timetable for its completion:*

Note: a motion to remand is pending before this Court and plaintiff respectfully suggests that discovery be stayed until the motion is resolved. In the event that

the court desires that discovery proceed prior to the resolution of the motion, then plaintiff proposes the following schedule:

Plaintiff Name(s): Lawrence Payne

E.D. Pa Case No.: 2:11-cv-67704 (ECR)

Transferor Case No.: 3:11-cv-00820-GPM-DGW (E.D. of Illinois)

Date that claim was originally filed: 09/08/2011

Plaintiff's Disease: lung cancer

1. All discovery must be completed by: **[Presumptive 120 days from date of 26(f) conference]** 03/05/2012.
2. Plaintiff's expert reports must be filed by: **[Presumptive: 30 days from deadline in 1 ]** 04/06/2012.
3. Defendant's expert reports must be filed by: **[Presumptive: 30 days from deadline in 2]** 5/06/2012.
4. Rebuttal expert reports must be filed by: **[Presumptive: 30 days from deadline in 3].** 06/06/2012.
5. Any dispositive motions must be filed by: **[Presumptive: 30 days from deadline in 4].** 07/06/2012.
6. Responses to dispositive motions must be filed by: **[Presumptive: 30 days from deadline in 5].** 08/06/2012.
7. Replies to responses to dispositive motions, if any, must be filed by: **[Presumptive: 30 days from deadline in 6]** 09/06/2012.

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**PLAINTIFF’S ADMINISTRATIVE ORDER 12 RESPONSE**

**1. Submission Of Identification Information**

Name: Lawrence Payne

DOB: 06/10/1942

SSN: 2193

Status: asbestos-related victim

**2. Submission of Related Court Actions**

Original Court: Circuit Court of the Third Judicial District of Madison  
County, Illinois, 11-L-740 – removed to federal court

Removal Court: U.S.D.C. for the E.D. IL, 3:11-cv-00820-GPM-DGW-  
transferred to this MDL

**3. Submission of Statement of Case Status**

Bankrupt Defendants: N/A

Each non-bankrupt defendant is identified in the full caption of the Complaint

**4. Submission of Medical Reports**

Plaintiff was diagnosed with lung cancer on or about July 26, 2010 at the Northside Medical Center, 500 Gypsy Lane, Youngstown, OH 44501, with right lung, upper lobe, “poorly differentiated non-small cell carcinoma with focal squamous and adencarcinomatous features...[and] scattered, small subpleural fibrous scars.” Relevant medical reports and records will be served upon all defendants as required by Rule 26 and in response to discovery, and will also submitted to the court upon direction.